

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

March 30, 2017
9:30 a.m.

Board of Supervisors Auditorium
301 W. Jefferson Street
Phoenix, Arizona

MEMBERS PRESENT:

Mr. Greg Arnett, Chairman
Ms. Jennifer Ruby, Vice Chairperson
Mr. Nathan Andersen
Mr. Bruce Burrows
Mr. Michael Cowley
Mr. Broc Hiatt

MEMBERS ABSENT:

Mr. B.J. Copeland
Mr. Michael Deutsch
Mr. Michael Johnson
Mr. Murray Johnson

STAFF PRESENT:

Mr. Darren Gerard, Planning Deputy Director
Mr. Ray Banker, Planner
Ms. Jaclyn Sarnowski, Planner
Mr. Derek Sheerer, Planner
Mr. Eric Smith, Planner
Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES:

Mr. Robert Swan, County Attorney

CONTINUANCE:

Z2016081

CONSENT:

**Z2015077, Z2016036, Z2016097, Z2016071, S2016023,
S2016026, Z2016092**

REGULAR:

**Z2016048, CPA2014007, Z2014078, Z2016094, TA2016001,
TA2016002, TA2016003, TA2016004, TA2016005,
TA2016006, TA2016007, TA2016009, TA2016010, Z2016106**

Meeting called to order at 9:32 a.m.

Chairman Arnett asked if there were any changes or comments to the February 2, 2017 and February 16, 2017 minutes, none.

COMMISSION ACTION: Chairman Arnett approved the February 2, 2017 and February 16, 2017 minutes as written.

CONTINUANCE AGENDA

Zoning - Z2016081 (cont. from 3/9/17)

District 2

Applicant: Tiffany & Bosco, P.A.
Location: Generally located approximately 1,700' west of the northwest corner of Thomas Rd. and Val Vista Dr.
Request: Zone Change from Rural-43 to IND-2 Industrial Unit Plan of Development (IUPD) - 202 & Thomas

Mr. Gerard presented Z2016081 with a recommendation for continuance to April 13, 2017.

BOARD ACTION: Commissioner Burrows motioned to continue Z2016081 to April 13, 2017. Commissioner Andersen second. Approved to continue 6-0.

CONSENT AGENDA

Special Use Permit - Z2015077 (cont. from 3/9/17)

District 2

Applicant: John Williams
Location: Generally located at the northwest corner of 4th Ave. and Mountain Rd. in the Mesa area.
Request: Modification of Conditions for Special Use Permit (SUP) Z2011117 for a Recreational Vehicle (RV) Park in the R-5 zoning district - Desert Trails Mobile Home & RV Park

Special Use Permit - Z2016036 (cont. from 3/9/17)

District 3

Applicant: Earl, Curley, & Lagarde, PC
Location: Generally located 920 feet west of the northwest corner of Cave Creek Road and Forest Pleasant Place in the Cave Creek Area
Request: Special Use Permit (SUP) to allow dog kennel, training and boarding facility in the Rural-43 zoning district - Hunter Working K-9

Zoning - Z2016097 (cont. from 3/9/17)

District 1

Applicant: Diane Ronning
Location: Generally located 620 feet east of Recker Rd., on the south side of Mews Rd. alignment, in the Chandler Heights area.
Request: Zone Change from R-4 to Rural-43 Residential Unit Plan of Development (RUPD) - Ronning Residence

Zoning - Z2016071 (cont. from 3/9/17)

District 4

Applicant: EPS Group, INC.
Location: Generally located at the southeast corner of Pinnacle Peak Rd. and El Mirage Rd. in the Peoria area
Request: Zone Change from C-S Plan of Development (PD) to R1-6 Residential Unit Plan of Development (RUPD) - Loop 303 & El Mirage

Preliminary Plat - S2016023 (cont. from 3/9/17)

District 4

Applicant: EPS Group, INC.

Location: Generally located at the southeast corner of Pinnacle Peak Rd. and El Mirage Rd. in the Peoria area
Request: Preliminary Plat containing 85 residential lots and 9 tracts - Loop 303 & El Mirage

Preliminary Plat - S2016026 (cont. from 3/9/17)

District 4

Applicant: LVA Urban Design Studio
Location: Generally located at the northwest corner of Northern Ave. and Cotton Ln.
Request: Preliminary Plat containing 278 lots and 29 tracts in the R1-6 RUPD PAD and R1-7 RUPD PAD zoning districts as a Protected Development Rights Plan - Granite Vista Phase 2A Preliminary Plat

Special Use Permit - Z2016092

District 1

Applicant: American Tower Delaware Corp c/o Busch Law Firm
Location: Generally located at the northeast corner of Chandler Heights Rd. and 130th St. alignment in the Chandler area
Request: Special Use Permit (SUP) for a Wireless Communication Facility (WCF) - 100 (h) tower in the Rural-43 zoning district – Cooper AZ WCF

Mr. Gerard presented the consent agenda.

COMMISSION ACTION: Vice Chairperson Ruby motioned to approve the consent agenda with conditions. Commissioner Burrows second. Approved 6-0. Z2015077 with conditions 'a' – 'j', Z2016036 with conditions 'a' – 'j', Z2016097 with condition 'a', Z2016071 with conditions 'a' – 'f', S2016023 with conditions 'a' – 't', S2016026 with conditions 'a' – 't' and Z2016092 with conditions 'a' – 'i'.

Z2015077 conditions;

- a. Development of the site shall comply with the Site Plan entitled "Civil Grading & Drainage Plan, Desert Trails Mobile Home and RV Park", consisting of 6 full-size sheets, stamped received September 25, 2015, except as modified by the following conditions.
- b. This approval constitutes a Plan of Development for a Mobile Home Park in the R-5 zoning district. Mobile homes shall be located within the parcel as indicated on the zoning exhibit referenced in condition 'a' or if in accordance with the requirements of the Maricopa County Zoning Ordinance, Sec. 1203, Arts. 1303.1.1 - 1303.1.5 shall be considered to be in substantial conformance with the zoning exhibit.
- c. This approval constitutes a Special Use Permit for an RV Park. Travel trailers and recreational vehicles shall be located within the parcel as indicated on the zoning exhibit referenced in condition 'a' or if in accordance with the requirements of the Maricopa County Zoning Ordinance, Sec. 1301, Arts. 1301.1.17.1 - 1301.1.17.2 shall be considered to be in substantial conformance with the zoning exhibit.

- d. This Special Use Permit is not subject to expiration.
- e. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- f. The following Maricopa County Environmental Services conditions shall apply:
 - 1. Abandonment permit for the existing septic system must be obtained.
 - 2. New Notice of Impending Development permit must be obtained, for possible septic permitting requirements associated with the project.
 - 3. Storm Water - The proposed project is located within the urbanized area regulated by the Maricopa County Storm water Quality Program and requires a storm water approval and permit.
- g. A Park Model may occupy a recreational vehicle designated space provided it does not exceed 400 sq. ft. Park Models Alternatives exceeding 400 sq. ft. shall occupy spaces intended for mobile homes.
- h. The following Engineering conditions shall apply:
 - 1. The 585 linear ft. flood wall is required along the east side of the site per permit B201003914 must be completed within 90 days of Board of Supervisors approval.
 - 2. Plans & calculations for Building Permits B201003914 and B201102340 must be updated based the plans submitted with this application; and as follows:
 - a. The size of the bleed-off pipe must be increased to 18 inches per Maricopa County Drainage Policies and Standards (DPS) 6.10.10.
 - b. The first flush volume calculation must be revised in accordance with DPS 6.4.1 (equation 6.1). The runoff coefficient for first flush = 1.0. Sections 3.2 and 4.2 of the Drainage Report must be revised accordingly.
 - c. A profile of the bleed-off pipe must be provided.
 - d. Details of the orifice plate must be provided.

- e. A cross section from the western drainage channel through the new retention basin (including the existing wall) must be provided.
- f. Adding a second valley gutter and basin inflow chute near the northern part of the new retention basin should be considered so that all flow is not concentrated at the southern location(s).
- g. The basin overflow elevation must be indicated in relation to the lowest allowable MH FFE.
 - 1. With the revisions to Building Permits B201003914 and B201102340, the driveways onto 4th Avenue must be improved to current MCDOT roadway design standards (Ref. Section 7.6 of the MCDOT Roadway Design Manual).
 - 2. Half-width improvements with pavement, curb, gutter and sidewalk to Mountain Road and 4th Avenue shall be deferred for two additional years after approval of this SUP Amendment.
 - 3. The applicant shall obtain permits from MCDOT for any work in the S. Mountain Road and/or 4th Avenue right-of-ways.
- i. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.
- j. This case supersedes all previous conditions/stipulations of Special Use Permit Z2011117. This case is a Special Use Permit for a RV Park and a Plan of Development for a Mobile Home Park in the R-5 zoning district.

Z2016036 conditions;

- a. Development of the site shall comply with the site plan entitled "Hunter Working K-9", consisting of 1 full-size sheet, dated February 1, 2017, and stamped received February 7, 2017, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Hunter Working K-9", consisting of 27 pages, dated September 9, 2017, and stamped received September 21, 2016 except as modified by the following conditions.
- c. This Special Use Permit shall expire 25 years from the date of approval by the Board of Supervisors or for a period of 90 or more consecutive days after termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- d. The applicant/owner shall submit a written report outlining the status of the development at the end of 5 years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved conditions.
- e. The owner shall apply for building permits for all existing structures. The owner shall receive final inspections on all existing structures from Planning and Development within one year from Board of Supervisors approval of Z2016036.
- f. The following Engineering conditions shall apply:
 1. Provide onsite retention for the 100-year, 2-hour storm for the entire site, including adjacent half-street right-of-way. Please note that a foot of freeboard in the retention basins will be required.
 2. Provide a minimum of 8-foot berm width between all horizontal retention basin inundation limits and adjacent wash inundation limits.
 3. Driveway paving for the business driveway from the property line to the paved roadway shall be constructed to MCDOT standards.
- g. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- h. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.

- i. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.
- j. The parking area shall be paved or topped with a dust-proofing material acceptable to Maricopa County Department of Air Quality.

Z2016097 conditions;

- a. Subject to all conditions, including the Rural-43 RUPD use regulations and development standards outlined in BOS approval of Z2005006 on 5/3/06, including the following Rural-43 RUPD development standards:
 - 1. Average lot area per dwelling unit: 43,560 sq. ft.
 - 2. Minimum lot area: 35,000 sq. ft.
 - 3. Minimum lot width: 120'
 - 4. Maximum lot coverage: 20%
 - 5. Minimum Distance between buildings: 15'
 - 6. Minimum Front setback: 20'
 - 7. Minimum Rear setback: 25'
 - 8. Minimum Side setback: 5'
 - 9. Minimum Street-side setback: 10'
 - 10. Maximum building height: 30'
 - 11. Accessory Dwelling Units: One (1) secondary dwelling unit allowed with MCESD approval of liquid waste disposal system.

Z2016071 conditions;

- a. Development of the site shall comply with the Zoning Exhibit entitled "Preliminary Plat for El Mirage and Loop 303," consisting of 3 full-size sheets, dated January 10, 2017 and stamped received January 10, 2017 except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Loop 303 and El Mirage Road R1-6 RUPD Rezone Narrative", consisting of 15 pages, dated January 10, 2017 and stamped received January 10, 2017 except as modified by the following conditions.

- c. The following R1-6 RUPD standards shall apply:
 - 1. Average Lot Area per dwelling Unit: 7,443 sq. ft.
 - 2. Minimum Lot Area: 5,175 sq. ft.
 - 3. Minimum Lot Width: 45'
 - 4. Maximum Lot Coverage 50%
 - 5. Height : 30'/2 Stories
 - 6. Front Yard Setback: 15' to livable/20' to garage face/20' side load garage
 - 7. Side Yard: 5'
 - 8. Street-side Yard: 10'
 - 9. Rear Yard Setback: 20'
 - 10. Parking Spaces: 2 Spaces
 - 11. Maximum Height Perimeter Wall/Fencing: 8'
- d. All buildings are subject to noise attenuation as per ARS § 28-8482(B).
- e. The following Maricopa County Environmental Services Department (MCESD) conditions shall apply:
 - 1. Prior to approval of Final Plat, Approvals to construct must be issued by MCESD for the onsite water and sewer infrastructure necessary to support this project.
 - 2. Prior to approval of Final Plat, Development and engineering design shall be in conformance with the Maricopa County Stormwater Quality Management and Discharge Control Regulation. If required, the owner/developer shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and obtain approval by MCESD prior to construction. (A separate submittal to MCESD would be required.) If required, upon completion of construction, the owner shall fulfill MCESD requirements and obtain a post-construction stormwater permit.
 - 3. If applicable, the site plan shall contain a note designating the entity responsible for operation and maintenance of the on-lot stormwater management facilities consistent with an approved operation and maintenance plan.
- f. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property owner to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, a hearing shall be scheduled with the Board of Supervisors for consideration to revert the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on

the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

S2016023 conditions;

- a. The Final Plat shall be in substantial conformance with the Preliminary Plat entitled "Preliminary Plat for El Mirage and Loop 303," consisting of 3 full-size sheets, dated January 10, 2017 and stamped received January 10, 2017 except as modified by the following conditions.
- b. Development and use of the site shall comply with the Narrative Report entitled "Loop 303 and El Mirage Road R1-6 R.U.P.D Rezone Narrative", consisting of 15 pages, dated January 10, 2017 and stamped received January 10, 2017 except as modified by the following conditions.
- c. Development of the site shall be generally consistent with the Landscape Plan entitled "El Mirage & Loop 303", consisting of 1 pages, dated January 9, 2017 and stamped received January 10, 2017 except as modified by the following conditions.
- d. The following Maricopa County Environmental Services Department (MCESD) conditions shall apply:
 1. Prior to approval of Final Plat, Approvals to construct must be issued by MCESD for the onsite water and sewer infrastructure necessary to support this project.
 2. Prior to approval of Final Plat, Development and engineering design shall be in conformance with the Maricopa County Stormwater Quality Management and Discharge Control Regulation. If required, the owner/developer shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and obtain approval by MCESD prior to construction. (A separate submittal to MCESD would be required.) If required, upon completion of construction, the owner shall fulfill MCESD requirements and obtain a post-construction stormwater permit.
 3. If applicable, the site plan shall contain a note designating the entity responsible for operation and maintenance of the on-lot stormwater management facilities consistent with an approved operation and maintenance plan.
- e. The following Engineering conditions shall apply:
 1. The Drainage Waiver (DRB2016002) to allow a portion of the site to retain only the first flush volume of runoff must be approved.

2. A At the time of final design, the storm drainage system shall be designed in accordance with the Maricopa County Drainage Policies and Standards (Sections 6.5 & 6.6). Hydraulic grade lines of storm drains must be designed to be 12 inches below the inlet gutter. Maximum depths of flow in streets (including catch basin and retention basin overflow locations) shall be the curb height for the 10 year storm and eight (8) inches for the 100 year storm.
 3. At the time of final design, storm and street drainage calculations shall not include open space areas attributable to retention basins.
 4. Based on the conceptual design nature of the information submitted, changes to the site layout and/or a reduction in the number of building lots may be necessitated by the final engineering design of the subdivision drainage infrastructure.
 5. Detailed Grading and Drainage (Infrastructure) Plans must be submitted with the application for Final Plat Approval and Building Permits.
 6. Roadway improvements and utility connections in El Mirage Road will require a ROW permit from MCDOT.
 7. At the time of final design, striping modifications to the existing striping in El Mirage Road and additional signage may be required.
 8. Fencing along the east side of Tracts B & H shall be wrought iron (CMU walls prohibited).
- f. An amenity package (narrative and exhibits), including but not limited to landscaping, recreational facilities, community facilities, signage and monumentation, etc. shall be submitted with the Final Plat for review prior to Final Plat approval. The Final Plat must be approved and recorded prior to submittal of any applications to construct landscape improvements or other amenities.
 - g. Prior to Final Plat/Infrastructure Permit submittal, the applicant is required to attend a pre-application meeting in order to coordinate the permitting process for improvements, fees, and assurances associated with this project. Intake of the Final Plat and Infrastructure permit shall be by appointment only.
 - h. Concurrent with submittal of Final Plat, Improvement Plans shall be submitted to the Planning and Development Department.
 - i. After Final Plat recordation and prior to any zoning clearance for building permits, the applicant shall obtain a final Grading and Drainage and Infrastructure permit from Maricopa County.

- j. Prior to Final Plat approval, Water and Wastewater Plans shall be submitted to and approved by the Maricopa County Department of Environmental Services (MCESD) subject to their procedures.
- k. Specific roadway cross-sections and pavement sections are not approved as shown on the Preliminary Plat. The number and width of lanes, including turn and auxiliary lanes, as well as pavement thickness, will be approved on construction improvement plans in conjunction with the Final Plat, in compliance with the Traffic Impact Statement (TIS) approved by the Maricopa County Department of Transportation (MCDOT). Cross-sections are shown on the Preliminary Plat for informational purposes.
- l. Prior to Final Plat approval or issuance of a grading permit, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from Rural Metro Fire Department. This information shall be included in the narrative report for the Final Plat and the associated public report for the subdivision. The Final Plat shall contain a note referencing the will serve letter.
- m. The applicant/property owner shall submit a 'will serve' letter from EPCOR Water Arizona Inc. for water services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- n. The applicant/property owner shall submit a 'will serve' letter from EPCOR Water Arizona Inc. for wastewater services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- o. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying a home or property in the 'vicinity of a military airport' as described by State of Arizona statute ARS §28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please check the Luke Air Force Base website at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department."

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

- p. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- q. The applicant/owner shall comply with the standard assurance provisions as set forth in the Maricopa County Subdivision Regulations.
- r. Preliminary Plat approval shall expire two (2) years from the date of Commission approval. Any request for an extension of time shall be submitted prior to the expiration date and may be administratively approved in accordance with the Maricopa County Subdivision Regulations.
- s. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- t. The Final Plat shall include a note that states that there shall be no further division of land or delineation of parcels within the area of this subdivision plat without approval by the Board of Supervisors.

S2016026 conditions;

- a. The Final Plat shall be in substantial conformance with the Preliminary Plat entitled "Preliminary Plat for Granite Vista Phase 2A, S2016026" consisting of 15 full-size sheets, dated December 22, 2016, and stamped received December 29, 2016, except as modified by the following conditions.
- b. Development and use of the site shall comply with the Narrative Report entitled, "Granite Vista Application for Preliminary Plat", consisting of 17

pages, dated December 22, 2016, and stamped received December 29, 2016 except as modified by the following conditions.

- c. Development of the site shall be generally consistent with the Landscape Plan entitled, "Granite Vista", consisting of 10 sheets, dated revised October 21, 2016, and stamped received October 24, 2016, except as modified by the following conditions.
- d. Prior to Final Plat and Infrastructure Permit submittal, the applicant is required to attend a pre-submittal meeting in order to coordinate the permitting process for improvements, fees, and assurances associated with the subdivision. Intake of the Final Plat and Infrastructure permit shall be by appointment only.
- e. Concurrent with submittal of Final Plat, Improvement Plans shall be submitted to the Planning and Development Department.
- f. After Final Plat recordation and prior to any zoning clearance for building permits, the applicant shall obtain a final Grading and Drainage and Infrastructure permit from Maricopa County.
- g. Prior to Final Plat approval, Water and Wastewater Plans shall be submitted to and approved by the Maricopa County Department of Environmental Services (MCESD) subject to their procedures.
- h. An amenity package (narrative and exhibits), including but not limited to landscaping, recreational facilities, community facilities, signage and monumentation, etc. shall be submitted with the Final Plat for review prior to the Final Plat approval. The Final Plat must be approved and recorded prior to submittal of any applications to construct landscape improvements or other amenities.
- i. Prior to Final Plat/Infrastructure Permit submittal, the applicant is required to attend a pre-application meeting in order to coordinate the permitting process for improvements, fees, and assurances associated with this project. Intake of the Final Plat and Infrastructure permit shall be by appointment only.
- j. The Final Plat shall include dedication of right-of-way as required by the related request (Z2013122) and as deemed necessary by the Maricopa County Department of Transportation (MCDOT) unless the required dedication has been completed by deed of dedication prior to the final plat approval.
- k. Specific roadway cross-sections and pavement sections are not approved as shown on the Preliminary Plat. The number and width of lanes, including turn and auxiliary lanes, as well as pavement thickness, will be approved on construction improvement plans in conjunction with the Final Plat, in

compliance with the Traffic Impact Statement (TIS) approved by the Maricopa County Department of Transportation (MCDOT). Cross-sections are shown on the Preliminary Plat for informational purposes.

- l. If streetlights are provided, installation shall be provided by the Developer. If streetlights are within public rights-of-way accepted by the Board of Supervisors, a Street Light Improvement District (SLID) or comparable authority shall be established to purchase the energy expended by the streetlights. The Developer should contact the Office of the Superintendent of Streets at for information regarding the SLID establishment process.
- m. Prior to Final Plat approval or issuance of a grading permit, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from Rural Metro. This information shall be included in the narrative report for the Final Plat and the associated public report for the subdivision. The Final Plat shall contain a note referencing the will serve letter.
- n. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a grading permit or approval of a Final Plat. The applicant must contact the state office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this condition.
- o. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying a home or property in the 'vicinity of a military airport' as described by State of Arizona statute ARS §28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please check the Luke Air Force Base website at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department."

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

- p. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- q. The applicant/owner shall comply with the standard assurance provisions as set forth in the Maricopa County Subdivision Regulations.
- r. Preliminary Plat approval shall expire two (2) years from the date of Commission approval. Any request for an extension of time shall be submitted prior to the expiration date and may be administratively approved in accordance with the Maricopa County Subdivision Regulations.
- s. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- t. The Final Plat shall include a note that states that there shall be no further division of land or delineation of parcels within the area of this subdivision plat without approval by the Board of Supervisors.

Z2016092 conditions;

- a. Development of the site shall comply with the Site Plan entitled "ATC Site Name: Cooper AZ", consisting of 7 full-size sheets, stamped received January 23, 2017, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Renewal Application for a Wireless Communication Facility – Case Number: Z2016092", consisting of 12 pages, stamped received January 23, 2017, except as modified by the following conditions. Within 30 days of BOS approval, the applicant shall provide staff with an update site plan correcting the incorrect elevations as provided on sheet "C-102".

- c. The maximum height of the Wireless Communication Facility shall be limited to 103.5' (h) including attachments.
- d. Future carriers may co-locate on the Wireless Communication Facility if co-location does not increase overall tower height. Any change to these elements will require an amendment to the Special Use Permit.
- e. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, inactivity of the use for a period of 90 or more consecutive days, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- f. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- g. Non-compliance with the Special Use Permit (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- h. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- i. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

REGULAR AGENDA

Special Use Permit - Z2016048 (cont. from 3/9/17)

District 3

Applicant: Rob Jones
Location: Generally located ¼ mile to the northeast from the northeast corner of Daisy Mountain Dr. and Parker Ct. in the Anthem area.
Request: Special Use Permit (SUP) for a Wireless Communication Facility (WCF)
- 73' (h) monopole in the Rural-43 zoning district - PHO Daisy Mountain (EPCOR Water Facility)

Mr. Smith presented Z2016048.

Mr. Rob Jones representing Verizon Wireless noted the concern is the tower is larger than the 8 foot diameter array. The larger diameter is necessary because of all the frequencies Verizon is using. The Special Use Permit is to install more antennas per array, which will have several different frequencies and the antennas are designed with two (2) ports on the low frequencies and four (4) ports on the high and they cannot accomplish what they need to with just two (2) antennas per sector. The whole purpose to the site is to offload four (4) existing sites that are reaching their capacity. The site is a water facility which is more industrial and it sits down lower with a wall 12 to 15 feet around the perimeter with limited visibility. This will be a multi-use pole and will also be used by the water facility.

Chairman Arnett asked if all towers will need this wider array. Mr. Jones stated Verizon has so many different frequencies, and data usage has increased considerably, and the sites are becoming overloaded. In the last couple years other zoned sites do not have anything less than 15 feet, 10 inches in diameter.

Vice Chairperson Ruby asked when using the term offload, does that mean replace? Mr. Jones said no, there are other sites surrounding this one with three (3) different sectors on the antennas pointing in different directions. If you have a highly dense area with commercial and residential and high schools, you are going to have a ton of data usage. The other sites are becoming overloaded and this site will be put in the middle to offload those other towers. The towers will actually get better and will have more capacity, plus they will be able to handle a much greater amount of the data capacity.

Chairman Arnett asked if they are here today because the width of the array? Mr. Gerard said yes, the width of the array. Staff sees various sizes based on preference, convenience and efficiency.

COMMISSION ACTION: Commissioner Cowley motioned to approve Z2016048 with conditions 'a' – 'i'. Commissioner Burrows second. Approved 6-0.

- a. Development of the site shall comply with the Zoning Exhibit entitled "Verizon PHO Daisy Mountain", consisting of seven (7) full-size sheets, stamped received July 7, 2016, except as modified by the following conditions.

- b. Development of the site shall be in conformance with the Narrative Report entitled "Verizon wireless PHO West Wing", consisting of three (3) pages, stamped received July 7, 2016, except as modified by the following conditions.
- c. The maximum height of the Wireless Communication Facility shall be limited to 73' (h) including attachments.
- d. A Minor Amendment shall be required to co-locate future carriers on the Wireless Communication Facility.
- e. A building permit and drainage clearance shall be obtained conforming to current Planning and Development requirements.
- f. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, inactivity of the use for a period of 90 or more consecutive days, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- g. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- h. The applicant/owner shall submit a written report outlining the status of the development at the end of 20 years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved conditions.
- i. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

Comprehensive Plan Amendment - CPA2014007 (cont. from 3/9/17)**District 2**

Applicant: Dimark LLC
Location: Generally located approximately 660' east of the northeast corner of 85th Pl. and Apache Tr.
Request: Comprehensive Plan Amendment (CPA) to change the East Mesa Area Plan land use designation from Urban Residential/High (0-25 d.u./ac.) to Neighborhood Retail - Dimark LLC

Mr. Banker presented CPA2014007, noting there is opposition from the City of Mesa. The city would like to reduce the amount of low density strip commercial uses and zoning in the area designated with land use of neighborhood in the general plan. Staff believes that applicant provides justification for the request.

COMMISSION ACTION: Commissioner Hiatt motioned to approve CPA2014007 with conditions 'a' – 'c'. Vice Chairperson Ruby second. Approved 6-0.

- a. Development of the site shall be in conformance with the Narrative Report entitled "Dimark, LLC Outdoor Equipment, Vehicle, RV, and Mini Storage", consisting of 9 pages including the land use exhibit, dated stamped received October 22, 2015, except as modified by the following conditions.
- b. The land use designation of Neighborhood Retail approved as part of CPA2014007 shall be subject to the time limits set forth in the subsequent Special Use Permit, and shall change to the previous Urban Residential/High (0-25 d.u./ac.) land use designation upon Special Use Permit expiration or removal.
- c. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property owner to enjoy uses in excess of those permitted by the land use existing on the date of application, subject to conditions. In the event of the failure to comply with any condition of approval, the property shall change to the land use designation that existed on the date of application. It is, therefore, stipulated and agreed that such change due to the failure to comply with any conditions does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such change.

Special Use Permit - Z2014078 (cont. from 3/9/17)**District 2**

Applicant: Dimark LLC
Location: Generally located approx. 660' east of the northeast corner of 85th Pl. & Apache Tr. in the Mesa area.
Request: A Special Use Permit for a Neighborhood Retail for General Outdoor Equipment, Vehicle, RV and Mini Storage in the R1-8 & C-3 zoning district - Dimark LLC

Mr. Smith presented Z2014078, the proposal will allow the property to be developed in phases. There is opposition from the City of Mesa, and the city has provided water to the site.

Mr. George Drake, part owner of Dimark LLC stated they have spoken to many of the neighbors, in addition to sending out mailers and postings on the property, and received no comment except support from those they spoke to. This will fulfill a need in the community. Across the street there is a large, nice quality mobile home park and there is a need of this land use for storage and mini storage and it will improve the property which will make it beneficial to the community.

Chairman Arnett noted this is in his district and sensitive when the city says the last thing they need is another smaller commercial strip and trailer parks, but it needs something to make this area prettier.

COMMISSION ACTION: Commissioner Hiatt motioned to approve Z2014078 with conditions 'a' – 'j'. Commissioner Andersen second. Approved 6-0.

- a. Development of the site shall comply with the Site Plan entitled "Dimark LLC", consisting of two (2) full-size sheets, dated May 17, 2016, and stamped received June 29, 2016, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Second revised project narrative report", consisting of 10 pages, dated June 24, 2016, and stamped received June 29, 2016, except as modified by the following conditions.
- c. The property owner shall submit a 'will serve' letter for fire protection services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- d. The following Engineering Review Conditions shall apply:
 - 1. The applicant shall demonstrate coordination and permit approval for access to Apache Trail.
 - 2. Retention basins holding more than 1' depth of runoff shall have positive method of percolation, either proven bottom percolation rate or drywell construction.
- e. The applicant shall demonstrate coordination and permit approval for access to Apache Trail.
- f. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors for a period of 90 or more consecutive days, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.

- g. The owner shall submit a written report outlining the status of the development at the end of 5 years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved conditions.
- h. A Major Amendment to the Special Use Permit shall be required to develop the second phase of the property.
- i. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- j. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

Residential Unit Plan of Development - Z2016094

District 2

Applicant: Law Offices of Garry D. Hayes
 Location: 30209 & 30019 N. 144th St., approximately 655' from the northeast corner of 144th St. and Dixileta Dr. in the Rio Verde area
 Request: Residential Unit Plan of Development (RUPD) overlay to increase lot coverage – 30209 & 30019 N. 144th St.

Ms. Sarnowski presented Z2016094. Staff received three (3) letters of opposition from property owners and has received 22 letters of support. Concerns from opposition include increased run-off from the subject properties onto the adjacent intersection of 146th Street and Windstone Trail, setting a precedent for potentially additional cases in the area to increase lot coverage, and impacts to property values. Staff believes the request is justified by the applicant, there are allowed increase lot coverage in the area due to the Rural-43 zoning district allowing 25 percent of the lot coverage, as well as properties with Agricultural Exemption status.

Mr. Garry Hayes stated he appreciates staffs hard work on this case. There are three (3) people who filed opposition and 22 letters of support, and the concerns they raised we can help mitigate. Drainage will go through building permits and impact on surrounding properties will not happen. As far as precedent, the parcels are in a unique situation, across the street is Rural-43 and to the north and south for a mile is Agricultural Exemption properties. It is a unique situation that will not be replicated throughout the rest of Rio Verde and R-190.

Chairman Arnett stated to the north it looks like some pretty big facilities, and what would be the effective lot coverage? Mr. Hayes said it is agricultural land and it could be 90 percent, and some parcels are up to 40 percent. These are commercial operations to the north and south which are horse operations that are commercial ventures and this is not what is happening here. The property owner has horses and are thinking about a covered arena and she does this as a hobby and not a business. If it were a business, they would go to the Assessor's Office and get an Agricultural Exemption, but because she doesn't make money off of it they cannot get an Agricultural Exemption so they are going through this process.

Mr. Gerard noted they didn't provide an aerial, but the section of land is Rural-190 and its border on the east, south and west by Rural-43 zoning that would allow 25 percent lot coverage including immediately across the street on 144th Street.

Ms. Gail Gray stated she lives on 146th Street just north of Windstone Trail and is opposed to the approval. She has been residing at her residence since 2004 which is before all the covered arenas, big barns and commercial facilities were built. Since the area has been developed with no coverage limits, the amount of run-off has increased dramatically across her property. The Rio Verde area is a big flood plain and it is all draining from the west to the east and she is on the east side of those properties on 144th Street. She has spent thousands of dollars in erosion control over the last ten years, as each of those properties were developed with the water coming across her property. There is a certain residential feel that is being eliminated by issuing these Special Use Permits and increasing the lot coverage in the area, and it really is not residential anymore. Interested to know where the 22 letters of support came from, since everyone on the east side of those properties are opposed to it.

Chairman Arnett asked if the main concern is the increase of water to their property. Ms. Gray said yes, and the change in the residential nature and building of these big barns. She said Mr. Hayes says the covered arena will be for her personal use, but is not convinced of that.

Mr. Don Stecyk said his wife bought 10 acres immediately east of the Rick Ziehl's property back in 1995, at that time the property was one house per five (5) acres and that was ideal with low density population. Since then big barns have increased, and with this request for variance the agriculture properties have a higher density of coverage. We do not want to change our way of life and it's not zoned for that. The run-off is a problem with the road being washed out, and if we increase the amount of covered area it will increase the erosion factor which will damage the roads. Everyone is trying change the area to suit their way, and it is impacting our way of life and it is not fair or right.

Mr. Hayes stated he does have a map to show where the letters of support came from. What is being requested today is only the lot coverage, you are still going to be allowed one resident on the R-190, and every other standard in the R-190 zoning, it is just going from five (5) percent to 20 percent so it is not going to change anyone's way of life. The impact will be minimal to the neighbors.

Vice Chairperson Ruby asked if the Agricultural Exempt properties are also exempt from engineering reviews for drainage. Mr. Gerard stated that's correct. If a property is statutorily exempt, it's exempt from the County zoning, drainage and building construction safety codes. The increased run-off and the erosion that was discussed, the agricultural properties are properties not regulated by County construction permits. A construction permit has three clearances – a zoning clearance to check things like lot coverage, it has a building safety clearance where they are looking at the construction against the international building codes and a drainage clearance to assure the historic drainage patterns of volume and direction, so the post development run-off will be the same or less.

Mr. Hayes said one of the stipulations that they are completely fine with is to get building permits, and anything they do will be the same or less based upon going through the process with the County.

Chairman Arnett clarified this is not a variance. A variance is a little different to vary from the standards and you do not go through this process getting approval from drainage. If that is a concern they would have to jump through that hoop through this process. A variance you would not, nothing will be permitted to increase run-off. It comes down to the changing of the environment with RU-43 across the street, large buildings to the north. We want to preserve and at the same time it will still be a RU-190.

Commissioner Hiatt noted the applicant had other options to do this by rezoning to RU-43 or get an Agriculture Exemption, and the applicant chose a route that will be least impactful of the surroundings and this will also place the property under the supervision of the County.

COMMISSION ACTION: Commissioner Hiatt motioned to approve Z2016094 with conditions 'a' – 'e'. Vice Chairperson Ruby second. Approved 6-0.

- a. Development of the site shall be in conformance with the Narrative Report entitled 3029 & 30019 N. 144th St, consisting of 4 pages, dated November 23, 2016 and stamped received November 28, 2016, except as modified by the following conditions.
- b. The following Planning Engineering condition shall apply:
 1. Any new site disturbance shall require (building) permits from Maricopa County Planning and Development Department. In addition, disturbance on APN 219-40-021U will require a Floodplain Use Permit.
- c. The following Rural-190 RUPD standard shall apply:

1. Maximum Lot Coverage: 20%. All other standards of the Rural-190 zoning district shall remain.
- d. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- e. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

Text Amendment - TA2016001

All Districts

Applicant: Staff
Location: Countywide
Request: Group Home/Group Care Facility Definitions

Mr. Scheer presented TA2016001. The text amendment will add language to the definitions as well as delete existing language to clarify by what constitutes an adjudicated person, a family, and to clarify what qualifications are required for group home facilities in group homes. It will lessen the regulatory burden by providing greater flexibility to group home applicants.

COMMISSION ACTION: Commissioner Andersen motioned to approve TA2016001 with modification to the title of definition of Group Home to remove 'for the handicapped and adult care'. Commissioner Burrows second. Approved 6-0.

Text Amendment - TA2016002

All Districts

Applicant: Staff
Location: Countywide
Request: C-3 Nightclubs

Ms. Sarnowski presented TA2016002. The text amendment is to clarify language for the use of adult oriented facilities within the C-3 zoning district regarding language for outdoor music or entertainment.

COMMISSION ACTION: Commissioner Burrows motioned to approve TA2016002. Commissioner Andersen second. Approved 6-0.

Text Amendment - TA2016003**All Districts**

Applicant: Staff
Location: Countywide
Request: Runway and Landing Strips

Ms. Sarnowski presented TA2016003. The text amendment is to clarify language regarding Runway and Landing Strips to waive the Obstacle Free Zone (OFZ) and Runway Protection Zone (RPZ).

COMMISSION ACTION: Vice Chairperson Ruby motioned to approve TA2016003. Commissioner Burrows second. Approved 6-0.

Text Amendment - TA2016004**All Districts**

Applicant: Staff
Location: Countywide
Request: Home Occupations/Sales, Garage/Yard Definitions

Mr. Scheer presented TA2016004. The text amendment is to clarify what a Home Occupation Residential and a Home Occupation Cottage Industry is, and for Garage Sales / Yard Sales. This text amendment is in conjunction with text amendment TA2016007 for Home Occupations.

Mr. Gerard noted garage sales and yard sales are big business in certain communities. It is addressed in the statute and addressed in the ordinance, but it is buried under these other definitions. The real purpose of this text amendment is to have garage sales with their own definitions so it is easier to find and the public is better made aware.

Chairman Arnett asked how this is policed and will code enforcement be actively looking for this? Mr. Gerard said there are neighborhood code compliance groups that are aware. When we receive a complaint we verify the days beyond the six (6) days for the year, that's when we can enforce the code. It's the most blatant violation and some people have yard sales every weekend all year long.

COMMISSION ACTION: Commissioner Andersen motioned to approve TA2016004. Commissioner Cowley second. Approved 6-0.

Text Amendment - TA2016005**All Districts**

Applicant: Staff
Location: Countywide
Request: Adult Oriented Facilities Definition

Ms. Sarnowski presented TA2016005. The text amendment is for Adult Oriented Facilities to reference the Maricopa County Ordinance for Adult Oriented Businesses and Adult Service Providers P-10.

COMMISSION ACTION: Vice Chairperson Ruby motioned to approve TA2016005. Commissioner Hiatt second. Approved 6-0.

Text Amendment - TA2016006**All Districts**

Applicant: Staff
Location: Countywide
Request: Ordinance P-10 for Adult Oriented Businesses and Adult Service Providers

Ms. Sarnowski presented TA2016006. The text amendment is to update Ordinance P-10 to align with the new department procedurals. The Maricopa County Sheriff's Office (MCSO) is now responsible for implementing the ordinance and not the Planning and Development Department.

COMMISSION ACTION: Commissioner Hiatt motioned to approve TA2016006. Commissioner Cowley second. Approved 6-0.

Text Amendment - TA2016007**All Districts**

Applicant: Staff
Location: Countywide
Request: Home Occupations

Mr. Scheer presented TA2016007. The text amendment is for Home Occupations that do not adhere to the requirements for the Rural and Single-Family Residential zoning districts where a Special Use Permit will be required.

Mr. Gerard noted this is in response to last year's legislations that was approved, and this year's legislations that is anticipated to being approved. We will have accommodated all of that, and the senator that originated the bill is happy with the results.

COMMISSION ACTION: Commissioner Cowley motioned to approve TA2016007. Commissioner Hiatt second. Approved 6-0.

Text Amendment - TA2016009**All Districts**

Applicant: Staff
Location: Countywide
Request: Tiny Houses (Building)

Ms. Sarnowski presented TA2016009. The text amendment is to add a new section to the Maricopa County Local Additions and Addenda to outline construction permitting specific standards to tiny houses. The text amendment coincided with state legislation that was not carried forward and staff recommends an indefinite continuance.

BOARD ACTION: Commissioner Hiatt motioned to continue indefinitely TA2016009. Commissioner Burrows second. Approved to continue 6-0.

Text Amendment - TA2016010**All Districts**

Applicant: Tiffany & Bosco, PA
Location: Countywide
Request: A Text Amendment to add language to The 1978 Military Airport Zoning Ordinance for the Unincorporated Area of Maricopa County

to allow for rezoning of properties within the Airport Zoning Districts when it is no longer applicable due to military airbase closure.

Ms. Sarnowski presented TA2016010. The text amendment will add language to allow rezoning of properties within the Airport Zoning districts, and is in conjunction with Z2016106.

COMMISSION ACTION: Vice Chairperson Ruby motioned to approve TA2016010. Commissioner Burrows second. Approved 6-0.

Zoning - Z2016106

District 1

Applicant: Tiffany & Bosco, PA
Location: Generally located west of the northwest corner of Power Road and Nunnelley Road
Request: Zone Change from AD-2 to C-1

Ms. Sarnowski presented Z2016106. The requested zone change is to renovate the existing vacant house to allow for a restaurant on site. Staff believes the request is justified by the applicant and approval of TA2016010 allows a zone change in this jurisdiction of the Military Zoning Ordinance. The Town of Gilbert had comments which are outlined in the staff report, no letters of opposition.

Mr. Shaine Alleman with Tiffany & Bosco representing the future restaurant owners, Clay and Susan Caldwell. Typically the case would be under a consent agenda but because of the text amendment we had to have this as a regular agenda item. Staff has been very helpful while going through this process. The zoning ordinance change was because it's an antiquated ordinance from 1978 and it did not allow for this restaurant to occur. The Caldwell's are excited to get the restaurant open.

Chairman Arnett noted in 1982 restaurants are not allowed, but commercial uses are. Do they single out any other uses? Mr. Gerard stated very limited uses were permitted in 1982, but in this instance what used to be hundreds of properties is now less than 30. Those properties that were annexed into the City of Mesa and the Town of Gilbert have developed commercial to allow restaurants. We would like for the same to occur in the incorporated County. The problem was the ordinance did not allow for that. We specifically had to insert the language in the text amendment to allow the property to be subject to the regular County zoning ordinance under a rezone.

Mr. Alleman noted they met with members of the Mesa Gateway Airport and they were very supportive and loved the idea of these leftover properties that are constrained. This gives them the opportunity to develop with different uses, and were unable to do because of the restrictions.

Mr. Gerard noted they outreached to Mesa Gateway Airport and the cities and towns, and received no negativity.

COMMISSION ACTION: Commissioner Andersen motioned to approve Z2016106 with conditions 'a'-'f'. Commissioner Cowley second. Approved 6-0.

- a. Development of the site shall comply with the Site Plan entitled Caldwell County BBQ, consisting of one (1) full-size sheet, dated March 2, 2017 and stamped received March 3, 2017 except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled A&S Capitol, LLC - Caldwell County BBQ, consisting of 6 pages, dated February 27, 2017, and stamped received February 27, 2017, except as modified by the following conditions.
- c. The applicant/property owner shall submit a 'will serve' letter for fire protection services from Gilbert County Island Fire District for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- d. If a shared access agreement is unable to be coordinated with the property to the west, a site visibility easement will be needed prior to construction.
- e. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- f. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

Chairman Arnett adjourned the meeting at 10:41 a.m.

Prepared by Rosalie Pinney
Recording Secretary / Administrative Assistant
March 30, 2017